

MINUTES

**CITY OF WARR ACRES
REGULAR CITY COUNCIL MEETING
TUESDAY
JULY 21, 2009
6:00 P.M.**

1. Call to order, Declaration of a quorum, Flag Salute and Invocation.

ROLL CALL

PRESENT

Mayor Pat Woolley
Vice-Mayor Nancy Olson
Councilman Dean Johnson
Councilman David Dirkschneider
Councilwoman Phil Owens
Councilman Christian Portwood

ABSENT

Councilman Mike Gossman
Councilwoman Cathy Maxey
Councilman Doug Davis

STAFF PRESENT

Robert Jernigan, City Attorney
Mike Turman, Public Works Director
Scott Barrett, City Engineer
Roger Patty, Police Chief
Fire Chief Rob Carter
Jenell Robertson, Asst. City Clerk

Mayor Woolley called the meeting to order at 6:00 p.m., declared a quorum. Flag Salute was lead by Fire Chief Carter and Invocation was given by Councilman Portwood.

2. Presentation of a 20 year service pin to Jenell Robertson, Asst. City Clerk/Payroll Clerk.

Mayor Woolley presented a 20 year service pin to Jenell Robertson.

3. Call to the Public.

Lois Myers and Bradley Seale wanted to wait until their item came before the City Council.

4. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #5.

- A. Approval of the minutes from the Regular meeting of June 16, 2009 and Special meetings of June 15, 2009 and July 7, 2009.

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|----|---|-------|--------------|--------------|
| B. | Approval of Expenditures | 08/09 | General Fund | \$ 66,745.61 |
| | | 2009 | General Fund | \$ 67,546.65 |
| | | | PST Fund | \$143,599.72 |
| | | | CIP Fund | \$ 18,066.92 |
| | | | SLM Fund | \$ 13,920.00 |
| C. | Approval of Actual Expenditures for June 2009 and Proposed Expenditures for July 2009. | | | |
| D. | Sales Tax History Report. | | | |
| E. | Approval to waive the city's right to appeal the Board of Adjustment Case #09-01, Debborah J Spence, owner, concerning property located at 6100 W. Gun Hill Way, presently zoned R-1 Residential Single Family Dwelling District, legally described as: Lot 021/Block 006, Twin Lakes Gun Club Addition; NATURE OF APPEAL: Yard Setback, Rear (19.20.040C) Unattached buildings of accessory use may be located in the rear yard of the main building, provided they are not located closer than ten feet (10') to the rear of the property line and shall not be located within a utility easement. | | | |
| F. | Approve normal retirement for Brad Seale under the Defined Benefit Plan and the Defined Contribution Plan. | | | |
| G. | Approval of Transfer of Appropriations year end clean-up FY 08-09 of \$3,000 to the Sanitation Department and \$30,000 to the Fire Department. | | | |
| H. | Approval of final appropriation of Public Safety funds for the raises given to Police and Fire for FY08-09. | | | |

Items A., B., C., E., and F. were pulled from the Consent Docket.

Motion by Councilman Owens, seconded by Councilman Portwood to approve Items D., G., and H. on the Consent Docket. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Portwood, yes; Olson, yes. Motion passed.

Councilman Owens stated the 6-16-09 Minutes needed to reflect the correct Vice-Mayor, Nancy Olson.

Motion by Councilman Owens, seconded by Councilman Johnson to approve the Minutes of June 16, 1009, with the correction of Vice Mayor. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Portwood, yes; Olson, yes. Motion passed.

Councilman Portwood stated he needed clarification of the expenditures. He also stated he felt that on Item C. that the City still needed to hire a mechanic, as the expenditure report had shown for the last couple of months that vehicle repairs were approx. \$10,000.00.

Motion by Councilman Johnson, seconded by Councilman Portwood to approve Items B. and C. on the Consent Docket. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Portwood, yes; Olson, yes. Motion passed.

Attorney Jernigan gave an overview of the Board of Adjustment case involving Debra Spence. He stated he would recommend approval of the two poles and recommended the City Council waive the right to appeal. Attorney Jernigan stated he was preparing a letter to the Board of Adjustment for future reference concerning minor variances.

Motion by Councilman Owens, seconded by Councilman Olson to approve Item E. on the Consent Docket, approving the two poles and waiving the right to appeal. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Portwood, yes; Olson, yes. Motion passed.

Mayor Woolley stated that on Item F., approving normal retirement for Bradley Seale under the Defined Benefit Plan and the Defined Contribution Plan, that this was just a formality, letting the Council know since the Council is the Trustee of the plans for OMRF.

Bradley Seale came forward and stated he had records showing his retirement amount was not what it should be. Councilman Owens stated this was a personnel matter and he did not feel this should be discussed at the City Council meeting. Attorney Jernigan stated this item should not be discussed at this time, as this was a legal matter.

Motion by Councilman Johnson, seconded by Councilman Portwood to continue Item F. to the next regular City Council meeting. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Portwood, yes; Olson, yes. Motion passed.

5. Discussion and possible action on items removed from the consent docket.
See above.
6. Receive reports from Staff: Police Chief, Fire Chief, City Clerk, City Attorney, Public Works Director, City Engineer, and City Planner.

Police Chief Patty: stated the new radio console and new camera systems were already put in. He also stated that the City sold 5 old police cars at a total of \$5565.00.

Fire Chief Carter: stated he had been in touch with the manufacturer of the new fire truck.

Asst. City Clerk: nothing to report.

City Attorney: Jernigan stated there were two cases pending (1) an impounded vehicle (in which the case was dismissed by the Judge) and the individual was appealing the case; and (2) railroad property.

Public Works Director: Mike Turman talked about 40th Street plans, street repair sheets for all wards given to the Councilman of those wards, Golden Corral opening of 8-10-09, and the housing addition behind the hotel.

City Engineer: Scott Barrett talked about the flow monitoring study (2 weeks left in the contract which may have to be continued), Pines Dam completed, 63rd Street overlay project and 63rd Street signalization project.

City Planner: not present.

7. Discussion and possible action on selling or donating the old surplused sirens.

Fire Chief Carter stated there were 5 old sirens that he suggested be sold for \$5.00 each to other smaller communities. He stated two of the sirens were paid for by the City in 1958 and three were donated from Oklahoma City.

Motion by Councilman Johnson, seconded by Councilman Dirkschneider to see the surplused sirens for \$5.00 each. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Portwood, yes; Olson, yes. Motion passed.

8. Discussion and possible action to send the Fire Chief and one other Fire Personnel to Ohio for final inspection on the New Fire Truck at no charge to the city.

Motion by Councilman Owens, seconded by Council Dirkschneider to approve sending Fire Chief Carter and one other fire personnel to Ohio for final inspection on the new fire truck at no charge to the city. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Portwood, yes; Olson, yes. Motion passed.

9. Discussion and possible action to send the Fire Chief and one other Fire Personnel to Dallas to the Fire Rescue International Conference at no charge to the city.

Motion by Councilman Johnson, seconded by Councilman Portwood to approve sending the Fire Chief and one other fire personnel to Dallas to the Fire Rescue International Conference at no charge to the city. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Portwood, yes; Olson, yes. Motion passed.

10. Discussion and possible action on reducing the rate charged for the hourly rental of the Community Center.

Lois Myers, 6311 N. W. 34th St., talked about misrepresentation by the Salvation Army, embezzlement by the Salvation Army, \$2.00 lunches, the Salvation Army does not participate in homebound meals, and the Salvation Army not doing anything for the youth in Warr Acres.

Discussion among Mayor, City Council and Bob Wehba reference north wall of the Community Center building, foundation damage and improvements.

Roy Simmons, with the Swinging Rebels, stated if the rent were to be raised, the Swinging Rebels would have to find somewhere else to go as they would not be able to afford to rent the Community Center any longer. Mr. Simmons did not want the hourly rates increased for the Swinging Rebels.

Motion by Councilwoman Olson, seconded by Councilman Dirkschneider to continue this item to the regular meeting in October, 2009. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Portwood, yes; Olson, yes. Motion passed.

11. Discussion and possible action on having a flag designed for the City of Warr Acres.

Councilman Johnson stated he would like to see a contest held by the City to let people have a chance to design a flag for the City. He felt it should be no more than 4 colors and have October 2, 2009 as the deadline for entries.

Motion by Councilman Portwood, seconded by Councilwoman Olson to authorize the City administration to hold a contest for people to have a chance to design a flag for the City of Warr Acres – deadline for entries being October 2, 2009. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Portwood, yes; Olson, yes. Motion passed.

12. Approval of a Declaration of an emergency on flooring for the Police and Fire Departments, for the immediate replacement of molded and extremely worn carpet for the protection and safety of employees; and approval to waive competitive bidding. (The appropriation was already approved in the budget.)

Chief Patty stated the Police Dept. and the Fire Dept. were in desperate need of flooring for the safety of the employees.

Motion by Councilman Dirkschneider, seconded by Councilman Johnson to declare an emergency on flooring for the Police and Fire Departments, for the immediate replacement of molded and extremely worn carpet for the protection and safety of employees and to waive competitive bidding process (with a not-to-exceed amount of \$8,000.00). Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Portwood, yes; Olson, yes. Motion passed.

13. Discussion and possible action on approval of bid specs for a Digital Logger and authorization to proceed with the bid process and advertise for bids. (The appropriation was already approved in the budget.)

Police Chief Patty stated that the system could (and has) failed without warning and with the digital logger this would not happen.

Motion by Councilman Owens, seconded by Councilman Dirkschneider to approve bid specs for a Digital Logger, to approve authorization to proceed with the bid process and advertise for bids. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Portwood, yes; Olson, yes. Motion passed.

14. Discussion and possible action on approval of a payment to Cimarron Construction on the Pines East Dam Sewer Line & Covington Lane Manhole Project, to be paid from the Sewer Line Maintenance Fund.

Mayor Woolley stated the Pines Dam Sewer Line and Covington Lane Manhole Project had been completed.

Motion by Councilman Owens, seconded by Councilman Johnson to approve payment to Cimarron Construction on the Pines East Dam Sewer Line & Covington Lane Manhole Project, to be paid from the Sewer Line Maintenance Fund. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Portwood, yes; Olson, yes. Motion passed.

15. Discussion and possible action on approval of an engagement agreement with HBC CPA's to perform the city's FY 08-09 audit.

Motion by Councilwoman Olson, seconded by Councilman Owens to approve engagement agreement with HBC CPA's to perform the city's FY 08-09 audit. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Portwood, yes; Olson, yes. Motion passed.

16. Discussion and possible action on renewing the agreement with Putnam City Schools for a crossing guard.

Police Chief Patty stated this agreement was the same as last year and Putnam City agreed with the agreement.

Motion by Council Dirkschneider, seconded by Councilman Owens to renew the agreement with Putnam City Schools for a crossing guard (same as last year). Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Portwood, yes; Olson, yes. Motion passed.

17. Discussion and possible action on approval of Resolution #448, E911 telephone fee rate for calendar year 2010.

Motion by Councilwoman Olson, seconded by Councilman Owens to approve Resolution #448, E911 telephone fee rate for calendar year 2010. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Portwood, yes; Olson, yes. Motion passed.

18. A. Discussion and possible action on Ordinance #1070 amending the Pay Scale to provide for an increase in pay for Entry level Police Officers and Firefighters after satisfactory completing training and an increase in pay for Communications Specialist after satisfactory completing training.

Police Chief Patty stated that the previous changes in the pay scale (before the Henley Plan) were not put in the Henley Pay Plan when it was approved and this allowed these changes to be added to the Henley Pay Plan. This was not anything new.

Motion by Councilman Portwood, seconded by Councilwoman Olson to approve Ordinance #1070 amending the Pay Scale to provide for an increase in pay for Entry level Police Officers and Firefighters after satisfactory completing training and an increase in pay for Communications Specialist after satisfactory completing training. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Portwood, yes; Olson, yes. Motion passed.

B. Approval of the emergency clause.

Motion by Councilman Dirkschneider, seconded by Councilman Owens to approve the emergency clause for Ordinance #1070 amending the Pay Scale to provide for an increase in pay for Entry level Police Officers and Firefighters after satisfactory completing training and an increase in pay for Communications Specialist after satisfactory completing training. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Portwood, yes; Olson, yes. Motion passed.

19. A. Discussion and possible action on Ordinance #1071 amending 8.04.010 (E) and adding 8.04.010 (F) and (G).

Attorney Jernigan stated that the definition of a nuisance needed to be updated and revised. Councilman Owens stated he felt that the descriptions needed to be taken out of the ordinance (more generic).

Motion by Councilman Owens, seconded by Councilman Johnson to approve Section 2 as drafted. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Portwood, yes; Olson, yes. Motion passed.

B. Approval of the emergency clause.

Motion by Councilman Owens, seconded by Councilman Johnson to approve the emergency clause to approve Section 2 as drafted. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Portwood, yes; Olson, yes. Motion passed.

Motion by Councilman Owens, seconded by Councilman Johnson to continue Section 1 to the next regular scheduled City Council meeting. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Portwood, yes; Olson, yes. Motion passed.

20. A. Discussion and possible action on Ordinance #1072 amending days to put out big trash.

Attorney Jernigan stated this ordinance was to not allow big trash to be put out before four (4) days before big trash pick up.

Motion by Councilman Owens, seconded by Councilman Portwood to approve Ordinance 1072 amending days to put out big trash. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Portwood, yes; Olson, yes. Motion passed.

B. Approval of the emergency clause.

Motion by Councilman Owens, seconded by Councilman Portwood to approve the emergency clause amending Ordinance #1072. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Portwood, yes; Olson, yes. Motion passed.

21. A. Discussion and possible action on Ordinance #1073 amending 10.32.200 Use of Child Passenger Restraint.

B. Approval of the emergency clause.

Attorney Jernigan stated this was bringing the City's ordinance up to date with the State.

Motion by Councilman Owens, seconded by Councilman Johnson to approve Ordinance #1073 amending 10.32.200 Use of Child Passenger Restraint. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Portwood, yes; Olson, yes. Motion passed.

Motion by Councilman Owens, seconded by Councilman Johnson to approve the emergency clause for Ordinance #1073. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Portwood, yes; Olson, yes. Motion passed.

22. A. Discussion and possible action on Ordinance #1074 amending an agreement with EMSA to provide emergency medical service.

Tina Wells, with EMSA, spoke of the new way of funding emergency medical services. She stated that several cities have put a fee on their utility bills which would allow citizens to have emergency medical services at little to no cost.

Attorney Jernigan stated the fee would be \$2.25 per unit (unit meaning single household, unit meaning each apartment in the complex, unit meaning each bed in the nursing home, etc.) and \$1.50 per business (businesses would not have total coverage). Jernigan explained this charge of \$2.25 per unit would insure that every citizen (except businesses) would have total care coverage (everything covered in the ambulance ride). He explained the \$2.25 per unit would cover the subsidy and citizens get the benefit with no out of pocket bill anywhere in the service area. Attorney Jernigan also stated there was not an "opt out" clause in the contract.

Motion by Councilman Dirkschneider, seconded by Councilman Owens to approve Ordinance #1074, amending an agreement with EMSA to provide emergency medical service to the citizens of Warr Acres, with a fee on their utility bill of \$2.25 per unit for single family residence, \$2.25 per unit for each apartment, nursing home, etc., and \$1.50 per business (limited care coverage). Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Portwood, yes; Olson, yes. Motion passed.

- B. Approval of the emergency clause.

Motion by Councilman Johnson, seconded by Councilman Owens to approve the emergency clause for Ordinance #1074, amending an agreement with EMSA to provide emergency medical service for citizens of Warr Acres. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Portwood, yes; Olson, yes. Motion passed.

23. Questions and Comments from Councilmembers.

Councilman Portwood – none.

Councilwoman Olson – none.

Mayor Woolley – none.

Councilman Johnson – handed out copies of possible decals for city businesses. He encouraged Councilpersons to get back to him on their opinion.

Councilman Owens – none.

Councilman Dirkschneider – none.

24. Discussion and possible action concerning contract negotiations for July 1, 2009 through December 31, 2009 with FOP Lodge #145 and the City of Warr Acres, including discussion and action on entering into Executive Session as allowed under 25 O.S. Supp. 307 (B)(2), discussion negotiations concerning employees and representatives of employee groups.

Attorney Jernigan stated he felt there was no need for an executive session.

Motion by Councilman Owens, seconded by Councilman Dirkschneider to approve the FOP Lodge #145 Contract with the City of Warr Acres as presented, effective through December 31, 2009 and authorize the Mayor to sign. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Portwood, yes; Olson, yes. Motion passed.

25. Any Old or New Business (“New Business” is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda of a (“surprise nature”)).

None.

26. Adjournment.

Motion by Councilman Johnson, seconded by Council Dirkschneider to adjourn this meeting of the Warr Acres City Council. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Portwood, yes; Olson, yes. Motion passed.

Meeting adjourned at 8:11 p.m.

Respectfully Submitted,

Jenell Robertson
Asst. City Clerk/Payroll

MINUTES

CITY OF WARR ACRES
PUBLIC WORKS AUTHORITY MEETING
TUESDAY
JULY 21, 2009
7:00 p.m.

(Following completion of regularly scheduled City Council meeting)

1. Call to order, Declaration of a quorum.

Mayor Woolley called the meeting to order at 8:12 p.m. and declared a quorum.

ROLL CALL

PRESENT

Chairman Patrick Woolley
Vice-Chair Nancy Olson
Trustee David Dirkschneider
Trustee Phil Owens
Trustee Dean Johnson
Trustee Christian Portwood

ABSENT

Trustee Cathy Maxey
Trustee Mike Gossman
Trustee Doug Davis

2. Approve the minutes of the Warr Acres Public Works Authority Meeting of June 16, 2009.

Motion by Councilman Owens, seconded by Councilman Johnson to approve the minutes of the Warr Acres Public Works Authority Meeting of June 16, 2009. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Portwood, yes; Olson, yes. Motion passed.

3. Approve payment of claim in the amount of \$60,942.75 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of June, 2009.

Motion by Councilman Owens, seconded by Councilman Dirkschneider to approve payment of claim in the amount of \$60,942.75 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of June, 2009. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Portwood, yes; Olson, yes. Motion passed.

4. Approval of payment of claims for the Sewer department.

Motion by Councilman Owens, seconded by Councilman Dirkschneider to approve payment of claims for the Sewer Department. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Portwood, yes; Olson, yes. Motion passed.

5. Adjournment.

Motion by Councilman Owens, seconded by Councilman Dirkschneider to adjourn this meeting of the Warr Acres Public Works Authority. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Portwood, yes; Olson, yes. Motion passed.

Meeting adjourned at 8:14 p.m.

Respectfully Submitted,

Jenell Robertson
Asst. City Clerk/Payroll